

District Court, Boulder County, Colorado Court Address: 1776 6 <sup>th</sup> Avenue Boulder, CO 80306	
THE PEOPLE OF THE STATE OF COLORADO  v.  Ahmad Alissa, Defendant.	DATE FILED: March 23, 2021 2:47 PM FILING ID: 7364D3DF82B37 CASE NUMBER: 2021CR497
Megan Ring, Colorado State Public Defender Samuel Dunn #46901 Senior Deputy State Public Defender Kathryn Herold #40075 Supervising Deputy State Public Defender Boulder Regional Public Defenders 2555 55TH Street D-200, Boulder, CO 80301 Phone: (303) 444-2322      Fax: (303) 449-6432 E-mail: boulder.defenders@state.co.us	σ COURT USE ONLY σ  Case No. 21CR497  Division 13
<b>MR. ALISSA'S MOTION TO PRESERVE AND PRODUCE ON FOR PROTECTIVE ORDER (D-007)</b>	

Pursuant to Crim.P. 16 and the due process clauses of the United States and Colorado Constitutions, Mr. Alissa moves for an order requiring the prosecution to preserve and provide Mr. Alissa with access to any and all items of evidence, including but not limited to the following items:

1. All recordings produced or seized in connection with this case.
2. All police notes. **Defense counsel is aware that it is the practice of law enforcement to destroy their notes. Defense counsel requests an order specifically ordering law enforcement agents to preserve all notes in this case. This includes any notes of conversations with Mr. Alissa.**
3. All scientific reports, memoranda or notes produced in connection with the events in this case.
4. All photographs made or seized in connection with this case.
5. All biological samples and physical evidence made or seized in connection with this case.
6. All correspondence, including email and text mail correspondence by or to law enforcement and the prosecution concerning the investigation of this case.

7. All records and logs and receipts pertaining to the storage and movement of physical evidence.

As grounds for this request Mr. Alissa states:

1. Mr. Alissa will be making independent evaluation of all items which are possible material evidence and potentially exculpatory in this case.

2. Due process and Alissa's Sixth Amendment right to confront his accuser require that he be allowed to obtain such evidence. People v. Harmes, 560 P.2d 470 (1976), People v. Norwood, 547 P.2d 273 (1973); People v. Sheppard, 701 P.2d 49 (Colo. 1985).

3. The evidence seized includes items that are material and potentially exculpatory, Brady v. Maryland, 373 U.S. 83, S.Ct. 1194, 10 L.Ed.2d 215 (1963), and are necessary to the effective defense of this case. Garcia v. District Court, 589 P.2d 924 (1979).

4. This discovery is authorized by the Fifth, Sixth, and Fourteenth Amendments to the Constitution of the United States, Article II, Section 16 and 25 of the Constitution of the State of Colorado, and Crim. P. 16, Part I(c) and (d), and People v. Garcia, 627 P.2d 255 (Colo. 1980); People v. Garries, 645 P.2d 1306 (Colo. 1982); People v. Thatcher, 638 P.2d 760 (Colo. 1981); People v. Gomez, 596 P.2d 1192 (Colo. 1979).

MEGAN A. RING  
COLORADO STATE PUBLIC DEFENDER

/s/Samuel Dunn  
Samuel Dunn #46901  
Deputy State Public Defender

/s/Kathryn Herold  
Kathryn Herold #40075  
Supervising Deputy State Public Defender

**Certificate of Service**

I hereby certify that on March 23, 2021, I served the foregoing document by E filing same to all opposing counsel of record.

/s/ Sam Dunn

Dated: March 23, 2021